

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CRYSTAL EASTWOOD and IVEY
EASTWOOD,

Plaintiffs,

vs.

AMERICAN FAMILY MUTUAL INSURANCE
COMPANY, aka AMERICAN FAMILY
INSURANCE GROUP; and AMERICAN
FAMILY LIFE INSURANCE COMPANY,

Defendants.

No. CV-05-1579-HA

ORIGINAL

DEPOSITION OF CHARLES ROBINOWITZ

Taken in behalf of the Defendants

May 10, 2006

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EXHIBIT

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1 A. I -- I don't think I did. If I did, it wasn't
2 very much.

3 Q. Okay. The complaint that you filed was not
4 out of the ordinary for a personal injury tort case?

5 A. No.

6 Q. Standard complaint, if you will?

7 A. Nothing tricky in it, right.

8 MR. COLETTI: Don't sell yourself short,
9 Chuck. If you would have received it, you would have been
10 very taken aback by it.

11 BY MR. BERNSTEIN: (Continuing)

12 Q. Other than the monetary figure of \$5 million,
13 there was nothing in the complaint itself that required you
14 to do any sort of research on or verification?

15 A. No, other than just reviewing the medical
16 records and -- or reviewing my notes on the medical
17 records.

18 Q. At this point, May 25th, 2004 when your client
19 has made the decision not to accept American Family's
20 policy limit tender, at that point in time was it your
21 intention to try and seek an assignment of any potential
22 bad faith claim?

23 A. We hadn't discussed that. We just discussed
24 that there was a potential bad faith claim and that was it.

25 Q. Was that potential bad faith claim the

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1 deciding factor in your client's decision not to accept the
2 policy limits on May 25th, 2004?

3 A. That was the only reason I advised him not to
4 take it.

5 Q. In late May of 2004 when you're having these
6 discussions with your client, what was your belief as to
7 what American Family did wrong?

8 A. They didn't get back to me at all until after
9 I filed the complaint.

10 Q. Anything else?

11 A. I heard nothing from them, so I assumed they
12 rejected it.

13 Q. But no correspondence from them saying they're
14 rejecting the offer?

15 A. No, I heard nothing from them.

16 (EXHIBIT No. 7, 7/22/04 Letter to C.

17 Robinowitz from P. Motley, Bates No. ROB
18 000011, marked.)

19 BY MR. BERNSTEIN: (Continuing)

20 Q. I'll give you a copy of what I've identified
21 as Exhibit 7. It's a July 22nd, 2004, letter from Peter
22 Motley at the Smith Freed office to yourself.

23 Is this the first -- and I'll represent to you
24 that it came from your file.

Is this the first written communication you

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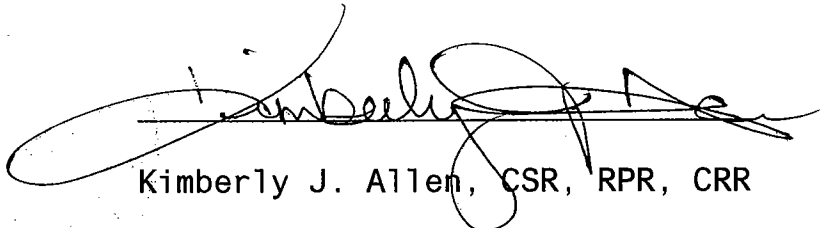
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1 STATE OF OREGON)
 2) ss.
 3 COUNTY OF MULTNOMAH)

ORIGINAL

4 I, Kimberly J. Allen, RPR, CSR, CRR, hereby
 5 certify that, pursuant to the Rules of Civil Procedure,
 6 **CHARLES ROBINOWITZ** personally appeared before me at the
 7 time and place set forth in the caption hereof; that at
 8 said time and place I reported in stenotype all testimony
 9 adduced and other oral proceedings had in the foregoing
 10 matter; that thereafter my notes were reduced to
 11 typewriting under my direction; and the foregoing
 12 transcript, Pages 1 to 64, both inclusive, constitutes a
 13 full, true, and correct record of such testimony adduced
 14 and oral proceedings had and of the whole thereof.

15 Witness my hand and notarial seal at Portland,
 16 Oregon, this 11th day of May, 2006.

17
 18 
 19 Kimberly J. Allen, CSR, RPR, CRR

20 Washington CCR #2758

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 24 EXHIBIT A
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